

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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**UNITED STATES OF AMERICA :**

**-v- :**

**CASE No: 13-cr-10238-DPW**

**AZAMAT TAZHAYAKOV :**

**Defendant. :**

-----X

**PROPOSED JURY SELECTION PROCEDURE AND JUROR QUESTIONNAIRE  
ON BEHALF OF DEFENDANT AZAMAT TAZHAYAKOV**

## **PRELIMINARY STATEMENT**

Defendant Azamat Tazhayakov, by and through his undersigned attorneys, respectfully submits the following proposed jury selection procedure and jury questionnaire. While the parties conferred in an effort to submit a joint questionnaire to the Court, the parties were ultimately unable to agree.

### **I. PROPOSED JURY SELECTION PROCEDURE**

#### **A. Introduction**

The intent of the jury selection process is to obtain information through meaningful discussions with prospective jurors about their backgrounds, personal experiences, beliefs, or opinions that can affect *in any way* their ability to be a fair and impartial juror in a given case.

Fairness and impartiality are two separate concepts and should be explored separately.

In a community that has been greatly affected by an event such as the Marathon Bombing, many prospective jurors have felt a direct or indirect impact by knowing someone that was personally affected by the bombing, being affected themselves by worry, concern, or panic during the ensuing manhunt, participating in an event related to the Marathon itself, or commemorating the bombing.

In a case where there has been significant pre-trial publicity, the concept of impartiality is greatly tested as prospective jurors have been exposed to actual evidence that will be introduced during trial as well as rumors, opinion, speculation, and a great deal of information surrounding the crime that would be excluded in a court of law.

While jurors may attempt to separate out what they have previously experienced, seen, heard, or expressed from the actual testimony and evidence in court, the human brain is not a computer with easily separated file folders. Depending on the person, previous impressions,

correct and incorrect information about the case, and emotional reactions can easily color their interpretation of the actual evidence in a case.

It is not the mere existence of a bias but *how* that bias affects the neutrality and objectivity of the juror that has a potentially prejudicial effect. Thus, great care must be taken in a case with this type of pre-trial publicity and community impact to understand ALL of the factors that can impair both the Government's and especially a defendant's right to a fair and impartial jury.

While the Court and counsel may explore the ability of the juror to be fair and impartial during voir dire, the value of a questionnaire is to explore a juror's candid and unedited experiences and beliefs *prior to instruction*. For this reason, instruction on the law should be avoided in the questionnaire.

**B. Proposed Procedure for an Effective and Efficient Jury Selection Process**

1. Have jurors fill out questionnaires two weeks in advance of the first day of jury selection. It is advisable for them to fill the questionnaires out at the courthouse to minimize the chance of outside influence on their answers.
2. The list of jurors will be randomized and the list given to both sides so that they can know the order in which jurors will be called.
3. Counsel reviews the questionnaires and creates a list of jurors they believe should be struck for cause and confers with opposing counsel on a master list of stipulated hardship and cause challenges.
4. Counsel for each side will submit their proposed list of stipulated jurors to the Court. Jurors on both lists are stipulated to for cause. If agreed, they will then meet and confer

with the Judge on disputed hardship and cause challenges to see if additional challenges can be resolved.

5. Those that have remaining hardship issues that need to be resolved in court can be called on the first day of jury selection. Either individually or in a group, the Judge can decide whether those jurors meet the qualification for hardship and will be dismissed.

6. A final group of jurors is assembled and arranged into separate groups to be called in morning or afternoon sessions. Jurors should be individually questioned so that jurors with direct experience to the bombing or extremely strong opinions do not influence other panel members. Counsel should be allowed to ask some follow-up questions to jurors based on their questionnaire responses as well as some limited additional voir dire questions. While this can be an extensive process, it can also be done quite efficiently. Although there is no prescribed length of time needed to explore potential juror bias, some jurors can be done in a few minutes, while some may take as long as 15 minutes or more.

7. At the end of questioning of each juror, the each side will either pass for cause or make a cause challenge, with the Court ruling on that cause challenge.

8. At the end of this process, each side will have sufficient time, preferably overnight, to review the final panel and submit its peremptory strikes.

**II. PROPOSED JUROR QUESTIONNAIRE**

***[The rest of this page has intentionally been left blank.]***

Juror #: \_\_\_\_\_

## **JURY QUESTIONNAIRE**

This questionnaire is designed to obtain information about your background as it relates to your possible service as a juror in this case. Its use may avoid the necessity of asking these questions of each prospective juror in open court, thereby substantially shortening the jury selection process. The purpose of these questions is to determine whether prospective jurors can impartially decide this case based upon the evidence presented at trial and the instructions on the law given by the judge. The questions are not intended to inquire unnecessarily into personal matters. All information contained in this questionnaire will be kept confidential and under seal.

Respond to each question as fully and completely as possible. Your complete candor and honesty is necessary so that both the prosecution and the defense will have a meaningful opportunity to select an impartial jury. Your cooperation is of vital importance.

You are sworn to give true and complete answers and those answers will be available only to the Court and the parties in this case. The questionnaires belong to the Court and all copies will be returned to the Court once a juror is excused. You are instructed not to discuss this case or the questionnaire with anyone, including your family and fellow jurors.

If you require additional space for your responses, or wish to make further comments regarding any of your answers, please use the Explanation Sheet (on the next to last page). Put the number of the question you are answering on the Explanation Sheet before you write the response or comment.

Please keep in mind that there are no "right" or "wrong" answers, only complete and incomplete answers. Complete answers are far more helpful than incomplete answers.

Unless the question states otherwise, the fact that a particular question is asked does not imply that the subject matter of the question is an issue in this case. As you read the questions, you are not to draw any inferences about the issues to be decided in this case.

Please fill out the entire questionnaire. Do not leave any questions blank. If a question does not apply to you in any way, write "N/A" rather than leaving the form blank.

**PLEASE PRINT LEGIBLY - PLEASE USE ONLY DARK INK**

Juror #: \_\_\_\_\_

1. Juror Name: \_\_\_\_\_ ID #: \_\_\_\_\_

**SECTION I: ABILITY TO SERVE**

2. Do you have any difficulty reading, writing, speaking, or understanding English? \_\_\_\_\_ Yes \_\_\_\_\_ No

3. Do you have any problem with your hearing or vision that would make it difficult for you to serve as a juror?  
\_\_\_\_\_ Yes \_\_\_\_\_ NoIf YES, please explain: \_\_\_\_\_  
\_\_\_\_\_4. Do you have any medical conditions that would make it difficult for you to serve as a juror?  
\_\_\_\_\_ Yes \_\_\_\_\_ NoIf YES, please explain: \_\_\_\_\_  
\_\_\_\_\_5. Are you taking any medication that could interfere with your ability to concentrate or serve as a juror?  
\_\_\_\_\_ Yes \_\_\_\_\_ NoIf YES, please explain: \_\_\_\_\_  
\_\_\_\_\_6. This case is expected to last for four weeks. Would serving on this jury cause you any type of hardship?  
\_\_\_\_\_ Yes \_\_\_\_\_ NoIf YES, please explain: \_\_\_\_\_  
\_\_\_\_\_7. The defendant in this case knows a suspect related to the bombing incident that occurred at the Boston Marathon on April 15<sup>th</sup>, 2013? Is there anything about these events that would make it difficult for you to be a completely fair and impartial juror in this case? \_\_\_\_\_ Yes \_\_\_\_\_ NoIf YES, please explain: \_\_\_\_\_  
\_\_\_\_\_

8. Do you have any beliefs, attitudes, or opinions about criminal defense attorneys and/or criminal defendants that would make it difficult for you to be a completely fair and impartial juror in this case?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_  
\_\_\_\_\_

9. Do you have any beliefs, attitudes, or opinions about federal law enforcement and/or the United States Attorney's Office that would make it difficult for you to be a completely fair and impartial juror in this case?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_  
\_\_\_\_\_

Juror #: \_\_\_\_\_

10. It is likely that this case will be covered by the news media. You will be instructed that you are not allowed to read, watch or listen to any news coverage of this case, during the trial, including online & social media. Will you have difficulty following that instruction? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_

\_\_\_\_\_

11. The defendant was born in Kazakhstan, and is of Russian descent. Do you have any beliefs, attitudes, or opinions regarding Kazakhstan, Russia, Eastern Europe, and the people who live there that would make it difficult for you to be a completely fair and impartial juror in this case? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_

\_\_\_\_\_

12. The defendant is a Muslim. Do you have any beliefs, attitudes, or opinions about Islam and/or Muslims that would make it difficult for you to be a completely fair and impartial juror in this case? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_

\_\_\_\_\_

13. Is there any other reason (for example, a religious, philosophical, or personal belief) that it would be difficult for you to be a completely fair and impartial juror in this case? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_

\_\_\_\_\_

14. Can you assure the Court with 100% certainty that there is nothing that may even slightly affect your ability to be a fair and impartial juror in this case? \_\_\_\_\_ Yes \_\_\_\_\_ No

If NO, please explain: \_\_\_\_\_

\_\_\_\_\_

15. Is there anything else that the court should know about that could potentially affect your ability to be a fair or impartial juror in this case? \_\_\_\_\_ f \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_

\_\_\_\_\_

## **SECTION II: DEMOGRAPHICS**

16. Date of Birth: \_\_\_\_\_ 17. Place of Birth: \_\_\_\_\_ 18. Gender: \_\_\_ Male \_\_\_ Female

19. City or town where you live: \_\_\_\_\_

20. How long have you lived in the Boston area? \_\_\_\_\_

21. Where else have you lived and for how long did you live in each area? \_\_\_\_\_

\_\_\_\_\_



Juror #: \_\_\_\_\_

**22. What is your marital status? (Check all that apply)**

☐ Single and never married
 ☐ Currently married for \_\_\_\_\_ years  
☐ Living with a partner for \_\_\_\_\_ years
 ☐ Widowed for \_\_\_\_\_ years  
☐ Divorced (a. # of times divorced: \_\_\_\_\_ b. Married: \_\_\_\_\_ years c. Divorced: \_\_\_\_\_ years)

**23. What is your and your spouse/partner's (if applicable) highest completed level of education?**

	<u>Myself</u>	<u>My Spouse/Partner</u>
Grade School	_____	_____
High School Graduate/GED	_____	_____
Some College	_____	_____
Associate Degree, Community/Junior College	_____	_____
Technical, Trade, or Business School	_____	_____
Bachelors Degree	_____	_____
Graduate or Professional Degree	_____	_____

**24. If you attended school after high school, including any trade or vocational schools, please list each school, your major areas of study, and any degrees or certificates that you have received:**

\_\_\_\_\_

\_\_\_\_\_

**25. What is your current employment status (please check all that apply):**

☐ Employed full time
 ☐ Looking for Work  
☐ Employed part time
 ☐ Retired – When? \_\_\_\_\_  
☐ Stay-at-home parent
 ☐ Disabled  
☐ Self-Employed
 ☐ Full-Time Student – Area of Study: \_\_\_\_\_  
☐ Unemployed
 ☐ Other: \_\_\_\_\_

**26. What is your current occupation? If retired, unemployed, or disabled, what was your most recent occupation?**

\_\_\_\_\_

\_\_\_\_\_

**27. Name and location of current or most recent employer:**

\_\_\_\_\_

\_\_\_\_\_

**a. Job title:** \_\_\_\_\_**b. Job duties (describe briefly):** \_\_\_\_\_**c. How long have you worked at your current or most recent job?** \_\_\_\_\_**d. Do/did you supervise other persons?** \_\_\_\_\_ YES \_\_\_\_\_ NO If YES, how many? \_\_\_\_\_**e. Do/did you have the ability to hire and fire employees?** \_\_\_\_\_ YES \_\_\_\_\_ NO**f. What other positions have you held there?** \_\_\_\_\_**g. What do/did you do at work on a daily basis?** \_\_\_\_\_

Juror #: \_\_\_\_\_

28. What previous jobs or occupations have you held?

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29. What is your spouse or partner's current employment status (please check all that apply):

<input type="checkbox"/> Employed full time	<input type="checkbox"/> Looking for Work
<input type="checkbox"/> Employed part time	<input type="checkbox"/> Retired – When? _____
<input type="checkbox"/> Stay-at-home parent	<input type="checkbox"/> Disabled
<input type="checkbox"/> Self-Employed	<input type="checkbox"/> Full-Time Student – Area of Study: _____
<input type="checkbox"/> Unemployed	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Not Applicable	

30. Please list the job title and employer of your spouse or partner's current or most recent job:

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31. If you have any children or stepchildren, please list the following information for each:

	<u>Sex</u>	<u>Age</u>	<u>Live with you?</u>	<u>In College Now?</u>	<u>Education Level</u>	<u>Occupation</u>
a.	_____	_____	Yes No	Yes No	_____	_____
b.	_____	_____	Yes No	Yes No	_____	_____
c.	_____	_____	Yes No	Yes No	_____	_____

32. What did or do your parents (and/or step-parents) do for a living?

Mother: \_\_\_\_\_ Step-Mother: \_\_\_\_\_

Father: \_\_\_\_\_ Step-Father: \_\_\_\_\_

33. Have you or has anyone close to you had employment, education, experience, or training in the following:

Law/The Legal System	<input type="checkbox"/> YES <input type="checkbox"/> NO	Forensics	<input type="checkbox"/> YES <input type="checkbox"/> NO
Judge	<input type="checkbox"/> YES <input type="checkbox"/> NO	Psychology or Psychiatry	<input type="checkbox"/> YES <input type="checkbox"/> NO
Law clerk	<input type="checkbox"/> YES <input type="checkbox"/> NO	Social Work	<input type="checkbox"/> YES <input type="checkbox"/> NO
Court clerk	<input type="checkbox"/> YES <input type="checkbox"/> NO	Counseling of Any Type	<input type="checkbox"/> YES <input type="checkbox"/> NO
Court security officer	<input type="checkbox"/> YES <input type="checkbox"/> NO	Alcohol or Drug Treatment	<input type="checkbox"/> YES <input type="checkbox"/> NO
Probation officer	<input type="checkbox"/> YES <input type="checkbox"/> NO	Explosives	<input type="checkbox"/> YES <input type="checkbox"/> NO
Parole officer	<input type="checkbox"/> YES <input type="checkbox"/> NO	Islam	<input type="checkbox"/> YES <input type="checkbox"/> NO
Law Enforcement	<input type="checkbox"/> YES <input type="checkbox"/> NO	Religious Studies	<input type="checkbox"/> YES <input type="checkbox"/> NO
Media/Journalism/ News	<input type="checkbox"/> YES <input type="checkbox"/> NO		

a. If YES to any of the above, please explain:

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Juror #: \_\_\_\_\_

34. Have you or has anyone close to you ever been employed by any of the following:

Agency	Employed?			Please Explain
Massachusetts State Police	<input type="checkbox"/> Self Family	Spouse Friend	No One	
Federal Bureau of Investigation ("FBI")	Self Family	Spouse Friend	No One	
Immigration & Naturalization Service ("INS")	Self Family	Spouse Friend	No One	
Department of Homeland Security ("HSI")	Self Family	Spouse Friend	No One	
U.S. Marshal's Service	Self Family	Spouse Friend	No One	
Drug Enforcement Agency ("DEA")	Self Family	Spouse Friend	No One	
Central Intelligence Agency ("CIA")	Self Family	Spouse Friend	No One	
Department of Justice ("DOJ")	Self Family	Spouse Friend	No One	
U.S. Attorney's Office	Self Family	Spouse Friend	No One	
District Attorney's Office	Self Family	Spouse Friend	No One	
Any Other Investigative, Law Enforcement, or Prosecutorial Office	Self Family	Spouse Friend	No One	

35. Do you consider yourself to have any special training or knowledge, and/or do you consider yourself to be an expert in any particular field(s) or discipline(s)? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_

36. Have you or has your spouse or partner ever served in the armed forces? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please answer the following:

	<u>You</u>	<u>Spouse/Partner</u>
a. Branch and highest rank	_____	_____
b. Dates of service	_____	_____
c. Place of Service	_____	_____
d. Type of Discharge	_____	_____
e. Did you or your spouse/partner ever serve on a court martial, in the military police, shore patrol, or any other area of military law enforcement?	_____ Yes _____ No	_____ Yes _____ No

Juror #: \_\_\_\_\_

37. What is your MAIN source of news?

- \_\_\_\_\_ Television
- \_\_\_\_\_ Radio
- \_\_\_\_\_ Newspaper
- \_\_\_\_\_ Internet
- \_\_\_\_\_ Family/Friends
- \_\_\_\_\_ I don't follow the news

38. How often do you check, follow, or read the news?

- \_\_\_\_\_ Multiple times a day
- \_\_\_\_\_ Once a day
- \_\_\_\_\_ Several times a week
- \_\_\_\_\_ Once or twice a week
- \_\_\_\_\_ Less than once a week
- \_\_\_\_\_ Almost never

39. Have you followed any major criminal trials in the news media? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain which trials, if you had an opinion about the guilt of the defendant(s) in that/those trials, and what that opinion was:

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40. What television programs do you regularly watch?

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41. What radio shows do you regularly listen to?

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42. What websites do you regularly visit?

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43. What magazines or trade publications do you regularly read?

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44. What newspapers do you regularly read (print or online)?

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Juror #: \_\_\_\_\_  
 \_\_\_\_\_ Yes \_\_\_\_\_ No

45. Do you regularly watch, listen to, or read legal dramas/thrillers?

If YES, which ones? \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

46. Do you ever blog about or leave online comments on major news stories?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

### **SECTION III: CASE-SPECIFIC OPINIONS & EXPERIENCES**

47. Have you ever visited anywhere in Eastern Europe?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list where you have been and the purpose for your visit(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

48. Have you ever been to Kazakhstan?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list where you have been and the purpose for your visit(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

49. Have you ever been to Russia?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list where you have been and the purpose for your visit(s):  
 \_\_\_\_\_  
 \_\_\_\_\_

50. What are your general impressions, beliefs, or opinions about Kazakhstan or people from Kazakhstan?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

51. What are your general impressions, beliefs, or opinions about Russia or people from Russia?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

52. What is your general opinion of foreign-born students who come to the United States for college/university?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

53. What is your general opinion of Islam and Muslims?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Juror #: \_\_\_\_\_

54. Do you believe that Muslims are more likely to commit criminal acts than non-Muslims?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_

\_\_\_\_\_

**SECTION IV: CASE KNOWLEDGE AND RELEVANT EXPERIENCES**

55. Are you familiar with the name Azamat Tazhayakov?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain your familiarity, what you have heard, and where you heard it:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

56. The defendant in this case is charged with conspiracy to obstruct justice and obstruction of justice. Do you recall hearing anything about this case in the media?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain what you heard and what your opinions of the case are:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

57. Have you ever run in, attended, worked for, or worked in any industry related to or affected by the Boston Marathon?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

\_\_\_\_\_

\_\_\_\_\_

58. Are you familiar with the bombing that occurred during the Boston Marathon on April 15<sup>th</sup>, 2013?

\_\_\_\_\_ Yes \_\_\_\_\_ No

59. How closely did you follow news stories and reporting on the bombing that occurred during the Boston Marathon?

\_\_\_\_\_ Followed closely \_\_\_\_\_ Followed some \_\_\_\_\_ Followed a little

\_\_\_\_\_ Barely followed \_\_\_\_\_ Did not follow

60. How closely did you follow news stories and reporting on the pursuit and arrest of the suspects in the Boston Marathon bombing?

\_\_\_\_\_ Followed closely \_\_\_\_\_ Followed some \_\_\_\_\_ Followed a little

\_\_\_\_\_ Barely followed \_\_\_\_\_ Did not follow

61. How closely did you follow news stories and reporting on the arrest of a group of students that went to college with and were friends with one of the suspects of the Boston Marathon bombing?

\_\_\_\_\_ Followed closely \_\_\_\_\_ Followed some \_\_\_\_\_ Followed a little

\_\_\_\_\_ Barely followed \_\_\_\_\_ Did not follow

Juror #: \_\_\_\_\_

62. How closely did you follow news stories and reporting on the anniversary of the Boston Marathon bombing?

\_\_\_\_\_ Followed closely

\_\_\_\_\_ Followed some

\_\_\_\_\_ Followed a little

\_\_\_\_\_ Barely followed

\_\_\_\_\_ Did not follow

63. Please give a rough, general estimate of how many news stories you think you have seen, read, or heard involving the Boston Marathon and its anniversary: \_\_\_\_\_

64. Did any of those news stories express an opinion about the guilt or innocence of those who are accused of carrying out the Boston Marathon? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain those opinions:

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65. Did any of those news stories express an opinion about the guilt or innocence of the friends of those who are accused of carrying out the Boston Marathon bombing? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain those opinions:

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66. Did you see, hear, or read any news stories or media recently regarding the recent anniversary of the Boston Marathon bombing? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain what you saw, read, or heard:

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67. Did you talk about the Boston Marathon bombing with any friends, family members, or co-workers?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please generally explain the conversations you had:

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Juror #: \_\_\_\_\_

68. Did you, or did any family members or close friends participate in any kind of community activity related to the Boston Marathon bombing (vigils, rallies, fundraisers, etc.)? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list the events and briefly describe them:

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69. Were you, a family member, or a close friend impacted in ANY way (physically, emotionally, or mentally) by the Boston Marathon bombing? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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70. Have you ever openly expressed any opinions about the guilt or innocence of those accused of carrying out the Boston Marathon bombing? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain that opinion:

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71. Has anyone close to you ever openly expressing any opinions about the guilt or innocence of those accused of carrying out the Boston Marathon bombing? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain those opinions:

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72. Have you ever expressed any opinions about the guilt or innocence of the friends of those accused of carrying out the Boston Marathon bombing? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain that opinion:

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Juror #: \_\_\_\_\_

73. Has anyone close to you ever expressed any opinions about the guilt or innocence of the friends of those accused of carrying out the Boston Marathon bombing? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain that opinion:

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74. Do you believe that the Boston Marathon bombing was part of a group conspiracy larger than just the two brothers who have been accused of carrying it out? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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75. Do you have any opinions on how those who carried out the Boston Marathon bombing should be punished? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain those opinions:

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76. Do you have any opinion on how the friends of those who carried out the Boston Marathon bombing should be punished? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain those opinions:

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77. Is there ANYTHING that could affect your ability to be a fair or impartial juror in a case related to the Boston Marathon bombing? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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78. How do you think you would be viewed by friends and family if you, based on the evidence, were to deliver a "Guilty" verdict? \_\_\_\_\_

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Juror #: \_\_\_\_\_

79. How do you think you would be viewed by friends and family if you, based on the evidence, were to deliver a "Not Guilty" verdict? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

80. This case will be followed closely by the news media and by the public. Do you think that media attention and public pressure could potentially influence your verdict in any way in this case?

\_\_\_\_\_ Yes \_\_\_\_\_ No

81. If you felt that the prosecution did not meet their burden of proof and you voted to acquit the defendant, would you be afraid of a negative public outcry or criticism from friends, family, co-workers, or community?

\_\_\_\_\_ Yes \_\_\_\_\_ No

82. As you sit here right now, do you have any kind of belief or opinion as to the guilt or innocence of the defendant?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### **SECTION V: LEGAL OPINIONS**

***INDICATE IF YOU AGREE OR DISAGREE WITH EACH OF THE FOLLOWING STATEMENTS:***

83. Regardless of what the law says, a defendant in a criminal trial should be required to prove his or her innocence.	_____ AGREE _____ DISAGREE
84. In a trial, I would need to hear the defendant testify.	_____ AGREE _____ DISAGREE
85. Criminals are given sentences that are too lenient.	_____ AGREE _____ DISAGREE
86. It is better for society to let some guilty people go free than to risk convicting an innocent person.	_____ AGREE _____ DISAGREE
87. The criminal justice system is biased in favor of criminal defendants.	_____ AGREE _____ DISAGREE
88. The criminal justice system makes it too hard for the police and prosecutors to convict people who have been accused of crimes.	_____ AGREE _____ DISAGREE
89. Our court system allows defendants who are clearly guilty to go free too often.	_____ AGREE _____ DISAGREE
90. When the news media reports about major criminal cases, they typically get all of the facts right.	_____ AGREE _____ DISAGREE
91. In a trial, I would be comfortable convicting someone based solely on the testimony of law enforcement.	_____ AGREE _____ DISAGREE
92. Most criminals have family members or friends that had some advance knowledge that they would commit their crimes	_____ AGREE _____ DISAGREE
93. Family members and friends of criminals usually try to cover up their crimes	_____ AGREE _____ DISAGREE

Juror #: \_\_\_\_\_

**SECTION VI: COMMUNITY PARTICIPATION & EXPERIENCES**

94. Have you ever held a leadership position in any club or organization? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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95. Do you or have you ever belonged to any group, club, or organization that is primarily focused on civil and community service (Rotary, Kiwanis, American Legion, etc.)? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list:

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96. Do you or have you ever belonged to any group, club, or organization that is primarily focused on crime prevention (Neighborhood Watch, Mothers Against Drunk Driving, etc.)? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list:

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97. Do you or have you ever belonged to any group, club, or organization that is primarily focused on influencing public policy or bringing about civil or political change (The NRA, the ACLU, the NAACP, etc.)? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list:

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98. Do you or have you ever belonged to any group, club, or organization that is primarily focused on human rights and human rights advocacy? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list:

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99. Do you or have you ever belonged to any group, club, or organization that is primarily focused on victims' rights and victims' rights advocacy? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list:

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100. Do you or have you ever belonged to any other organization of a type that was not listed above?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list:

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Juror #: \_\_\_\_\_  
 \_\_\_\_\_ Yes \_\_\_\_\_ No

101. Do you actively participate in any organizations, groups, or clubs?

If YES, please list:

\_\_\_\_\_  
 \_\_\_\_\_

102. How much do you think you know about the day to day activities of your close friends?

\_\_\_\_\_ Almost everything \_\_\_\_\_ A lot \_\_\_\_\_ Some  
 \_\_\_\_\_ A little \_\_\_\_\_ Almost nothing

### **SECTION VII: WITNESSES & STATEMENTS**

103. Do you believe that you can get a good read on a person's innocence or guilt by observing the way he or she behaves, dresses, or appears in court? \_\_\_\_\_ Yes \_\_\_\_\_ No

104. Would you favor the side of a lawsuit that called more law enforcement officers as witnesses than the other side? \_\_\_\_\_ Yes \_\_\_\_\_ No

105. Experts will be called by both sides in this case. In a criminal case, do you feel differently about experts called by the government in a case vs. experts called by the defense? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

106. Do you think that prosecution witnesses and experts who work for the FBI, Homeland Security, and other government agencies are more credible than other experts? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

107. Do you think that experts that are called by the defense are less credible because they are hired and paid for by the attorneys for a criminal defendant? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

108. Would you be inclined to believe a prosecution witness more than a defense witness?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain why: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

109. Do you believe that law enforcement is more trustworthy than the average person? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain why: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

Juror #: \_\_\_\_\_

110. Do you believe that FBI agents are more trustworthy than the average person? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain why: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

111. Some of the testimony in this case may be presented through a linguist or an interpreter. Do you believe that testimony that comes from a linguist or interpreter is less believable or trustworthy than testimony that comes directly from an individual? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain why: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SECTION VIII: LEGAL EXPERIENCES**

112. Do you know anyone who works for the courts (judges, bailiffs, clerks, etc.)? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list each, their job, and your relationship with them: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

113. Do you know anyone who works for any sort of prosecutorial agency (District Attorney, Department of Justice, etc.)? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list each, their job, and your relationship with them: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

114. Do you know anyone who works for or as a criminal defense attorney? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please list each, their job, and your relationship with them: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

115. Have you ever been involved in a civil lawsuit? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain the circumstances and how satisfied you were with the outcome: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

116. Not including traffic court or divorce proceedings, have you ever been involved in any type of court case?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Juror #: \_\_\_\_\_

117. Have you, or has a close friend or family member ever witnessed or been the victim of a serious crime?

\_\_\_\_\_ Yes \_\_\_\_\_ No

a. If YES, please provide the following information:

<u>Relationship to Person</u>	<u>Type of Crime</u>	<u>Victim or Witness?</u>	<u>Reported to police?</u>	<u>Was anyone caught?</u>	<u>Case Outcome</u>
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b. Overall, were you satisfied with how law enforcement handled the cases? \_\_\_\_\_ Yes \_\_\_\_\_ No

c. Did any of these cases result in a court hearing that you attended or testified at? \_\_\_\_\_ Yes \_\_\_\_\_ No

d. Did any of these cases leave a strong effect on you and your general attitude toward crime?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_


118. Do you have any exposure to or experience with military tribunals or court-martials?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain: \_\_\_\_\_


119. Have you or has a family member or close friend ever been charged with a crime? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please provide the following information:

<u>Relationship to Person</u>	<u>Crime(s) Charged</u>	<u>Case Outcome</u>
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120. Have you ever served on a jury? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please provide the following information:

<u>Year</u>	<u>Civil or Criminal?</u>	<u>Type of Case</u>	<u>Was a Verdict Reached? (Y/N ONLY)</u>
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			_____ Yes _____ No
			_____ Yes _____ No
			_____ Yes _____ No
			_____ Yes _____ No

121. Have you ever been the foreperson of a jury?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, how many times? \_\_\_\_\_

Juror #: \_\_\_\_\_

**122.** Have you, or a family member or a close friend, ever sought employment by or seriously considered training with any law enforcement agency or related agency such as police department, sheriffs department, correctional institution, district attorney's office, FBI, etc.? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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**123.** Have you had any legal training? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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**124.** Have you ever had a negative experience with any judges or attorneys? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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**125.** What are your opinions of criminal defense attorneys in high profile cases?

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**126.** What are your opinions of federal prosecutors?

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**127.** What are your general opinions of the American criminal justice system?

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**128.** Do you think our criminal justice system unfairly favors one side over the other? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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Juror #: \_\_\_\_\_

**SECTION IX: OTHER QUESTIONS****129.** Some of the following locations may be discussed during the trial:

- a. Boston, Massachusetts
- b. New Bedford, Massachusetts
- c. Watertown, Massachusetts
- d. University of Massachusetts – Dartmouth

Have you or has any family member or close friend ever lived or worked at or near any of these locations?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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**130.** Do you or do any family members or close friends speak Russian or regional languages common in Russia?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please state the language, how long you've know it, how fluent you are, and how often you speak it:

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**131.** Have you or has a family member or close friend ever been treated for any kind of substance abuse problem?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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**132.** Do you believe that people that recreationally use marijuana are more likely to commit serious crimes than those who do not?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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**133.** Do you know anyone who has ever been a victim of, or been in the vicinity of, any type of bombing attack?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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**134.** At this point, are there any other reasons you think you may not be able to serve as a fair and impartial juror in this case?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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Juror #: \_\_\_\_\_

135. Is there anything else you think the judge or the attorneys should know about you as you are considered for jury service? \_\_\_\_\_ Yes \_\_\_\_\_ No

If YES, please explain:

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### **SECTION X: LIST OF RELEVANT PARTIES**

136. Please carefully read the following list and place a check mark by the names of any of individuals or groups that you know or have heard of:

Dzhokhar Tsarnaev	_____	FBI Special Agent Kerri Navarro	_____
Tamerlan Tsarnaev	_____	FBI Special Agent Ahmed Noreen	_____
Dias Kadyrbayev	_____	FBI Special Agent Jean K. O'Connor	_____
Robel Kidane Phillipos	_____	FBI Special Agent Arnati Ornello	_____
		FBI Special Agent David Powers	_____
Assistant US Attorney Stephanie Siegmann	_____	FBI Special Agent Rebecca J. Preston	_____
Assistant US Attorney John Capin	_____	FBI Special Agent Timothy J. Quinn	_____
		FBI Special Agent James P. Risgen	_____
Defense Attorney Nicholas Wooldridge	_____	FBI Special Agent Carlos Rosero	_____
Defense Attorney Matthew Meyers	_____	FBI Special Agent Steven Schiliro	_____
		FBI Special Agent David Scott	_____
FBI Special Agent Erik Anderson	_____	FBI Special Agent Michael Sieland	_____
FBI Special Agent Ryan Arnold	_____	FBI Special Agent Brian Sindoni	_____
FBI Special Agent Farbod Azad	_____	FBI Special Agent Philip M. Sliney, Jr.	_____
FBI Special Agent Kenneth Benton	_____	FBI Special Agent Kara D. Spice	_____
FBI Special Agent Christopher Burke	_____	FBI Special Agent Marco A. Trevino	_____
FBI Special Agent David Cedarleaf	_____	FBI Special Agent Efrain Vazquez	_____
FBI Special Agent Jayson Chambers	_____	FBI Special Agent Janet A. Waldron	_____
FBI Special Agent Russel Chisolm	_____	FBI Special Agent John Walker	_____
FBI Special Agent Philip Christiana	_____	FBI Special Agent Sara Wood	_____
FBI Special Agent Scott Cieplik	_____	FBI Linguist Sabirjan Kaurmayev	_____
FBI Special Agent Lisa Crandall	_____	FBI Linguist Marina Weinstein	_____
FBI Special Agent Michael Delapena	_____	FBI Bomb Expert David A. McCollam	_____
FBI Special Agent Megan Dolan	_____	FBI Computer Forensic Examiner	_____
FBI Special Agent Matthew Dowd	_____	Special Agent James E. Scripture, Jr.	_____
FBI Special Agent Christian Fierabend	_____	FBI DNA Analyst Alan Giusti	_____
FBI Special Agent Chad Fitzgerald	_____	FBI Document Examiner Gabriel Watts	_____
FBI Special Agent Daniel Genck	_____	FBI Fingerprint Analyst Elaina Graff	_____
FBI Special Agent Juan Hernandez	_____	FBI iPhone Expert Joseph Friesen	_____
FBI Special Agent James Hisgen	_____	FBI Photographer Jennifer Combs	_____
FBI Special Agent Christopher Hughes	_____	FBI Photographer Courtney Schenck	_____
FBI Special Agent Gregory Hughes	_____		
FBI Special Agent Nathan Michael Jacobs	_____	ATF Special Agent Brian Person	_____
FBI Special Agent Randy Jarvis	_____		
FBI Special Agent Steven Kimball	_____	HSI Special Agent Henry Basile	_____
FBI Special Agent Jeffrey Kirkpatrick	_____	HSI Special Agent Michael Blane	_____
FBI Special Agent Robert Marshall	_____	HSI Special Agent Geoffrey Howes	_____
FBI Special Agent Jeffrey Melanson	_____	HSI Special Agent Candice Kelly	_____
FBI Special Agent Amanda McDaniel	_____	HSI Special Agent Douglas McDonnell	_____
		HSI Special Agent McDonough	_____

Juror #: \_\_\_\_\_

HSI Special Agent Steven Valentine \_\_\_\_\_  
 HSI Special Agent Jamison Wiroll \_\_\_\_\_  
 IRS Special Agent James Clarke \_\_\_\_\_  
 TFO Special Agent Kurt Ferrazini \_\_\_\_\_  
 Polygraph Examiner Marc A. Divittis \_\_\_\_\_  
 Department of Transportation, Office of  
 Inspector General \_\_\_\_\_  
 Special Agent Dwight Schwader \_\_\_\_\_  
 Department of Transportation, Office of  
 Inspector General \_\_\_\_\_  
 Special Agent Frank Italia \_\_\_\_\_  
 Essex County Sheriff's Department  
 Deputy Sheriff David Earle \_\_\_\_\_

Jim McCall, *Esq.* \_\_\_\_\_  
 Anthony Montenegro \_\_\_\_\_  
 Saya Murzalina \_\_\_\_\_  
 Steven Pouliot \_\_\_\_\_  
 Anatoly Prokupets \_\_\_\_\_  
 Sagar Rai \_\_\_\_\_  
 Carlos Rohena \_\_\_\_\_  
 Pamela Rolon \_\_\_\_\_  
 Lino Rosas \_\_\_\_\_  
 Bexultan Sandibekov \_\_\_\_\_  
 Elliot Savitz, *Esq.* \_\_\_\_\_  
 Steven Silva \_\_\_\_\_  
 Tracy Sousa \_\_\_\_\_  
 Adlet Tkishev \_\_\_\_\_  
 Adlat Nurzhanyli Tkishev \_\_\_\_\_  
 Paola Toledo \_\_\_\_\_  
 Meghan Tsai \_\_\_\_\_

UMASS Police Dept.  
 Capt. Timothy Sheehan \_\_\_\_\_  
 UMASS Police Dept.  
 Det. Ernie Belliveau \_\_\_\_\_  
 UMASS-Dartmouth Chief of Police  
 Emil Fioravanti \_\_\_\_\_

UMASS-Dartmouth Dir. of Int'l Student  
 & Scholar Center Christina Bruen \_\_\_\_\_  
 University of Massachusetts  
 Custodian of Records \_\_\_\_\_

Mass. State Police Det. Eric Benson \_\_\_\_\_  
 Mass. State Police Det. Timothy Crowley \_\_\_\_\_  
 Mass. State Police Det. Robert Kilnap \_\_\_\_\_  
 Mass. State Police Det. Chad Laliberte \_\_\_\_\_  
 Mass. State Police Sgt. Gerard Galizio \_\_\_\_\_  
 Mass. State Police Det. Daniel Thom \_\_\_\_\_

Filmon Tamesgen Abadi \_\_\_\_\_  
 Hermon Abadi \_\_\_\_\_  
 Farah Aldabbagh \_\_\_\_\_  
 Scott Alfonse, Dir., Crapo Landfill \_\_\_\_\_  
 Arsen Alibi \_\_\_\_\_  
 Batyrbek Amirkhanov \_\_\_\_\_  
 Genet Beckele \_\_\_\_\_

David Borden \_\_\_\_\_  
 Michael Creese \_\_\_\_\_  
 Andrew Dwinells \_\_\_\_\_  
 Tiffany Evora \_\_\_\_\_  
 David Fernandes \_\_\_\_\_  
 Russell Frade, Frades Disposal, Inc. \_\_\_\_\_  
 Eden Gebrezgi \_\_\_\_\_  
 Alexa Guevara \_\_\_\_\_  
 Bayan Kumiskali \_\_\_\_\_  
 James Lefton \_\_\_\_\_  
 Quan LePhan \_\_\_\_\_  
 James Li \_\_\_\_\_  
 Greg Maslin \_\_\_\_\_

*Juror #:* \_\_\_\_\_

**EXPLANATION SHEET**

23

*Juror #:* \_\_\_\_\_

I, [PRINT NAME] \_\_\_\_\_, hereby declare under penalty of perjury that the answers set forth in this Jury Questionnaire are true and correct to the best of my knowledge and belief. I have not discussed my answers with others or received assistance in completing the questionnaire. I have answered all of the above questions in this Jury Questionnaire myself.

Executed in the District of Massachusetts, on this \_\_\_\_\_ day of June, 2014.

\_\_\_\_\_  
Signature

**CONCLUSION**

Defendant Azamat Tazhayakov respectfully requests that the foregoing proposed jury selection procedures and juror questionnaire be utilized.

Dated: New York, New York  
June 13, 2014

Respectfully submitted,

/s/ Nicholas M. Wooldridge

Nicholas M. Wooldridge, Esq.  
Bukh & Associates, PLLC  
1123 Avenue Z  
Brooklyn, New York 11235  
(718) 376-6466

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13th day of June, 2014, I served a copy of the foregoing **PROPOSED JURY INSTRUCTIONS** on the Assistant United States Attorneys John A. Capin and B. Stephanie Siegmann by electronic mail.

/s/ Nicholas M. Wooldridge, Esq.

\_\_\_\_\_  
Nicholas M. Wooldridge, Esq.  
*Attorney for the Defendant Azamat  
Tazhayakov*